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Attorneys for Defendant  
JEFFREY DAVID SCHINKEL

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JEFFREY DAVID SCHINKEL,  
  
Defendant.

Case No. CR 3-08-70839 EMC

**STIPULATION AND ~~PROPOSED~~  
ORDER FOR CONTINUANCE**

In this proposed stipulated order, the parties jointly request that the Court continue the matter currently set for preliminary hearing setting or arraignment for January 14, 2009, to January 15, 2009.

The one day continuance is necessary as Edwin Prather, Mr. Schinkel's defense counsel, is unavailable on January 14, 2009, to due a commitment in another, out-of-county criminal matter. Assistant U.S. Attorney Denise Barton joins in this request due to defense counsel's unavailability.

The Court's Clerk indicated the Court's availability on January 15, 2009.

Additionally, at the last calling of this case, on December 16, 2008, Mr. Schinkel

1 consented to the deferral of his right, under Federal Rule of Criminal Procedure 5.1(a), (c), and  
2 (d), to a preliminary hearing within 10 days or to be charged by indictment, until January 14,  
3 2009. Mr. Schinkel consents to a further deferral of his right to a preliminary hearing or to be  
4 charged by indictment, one additional day to January 15, 2009.

5  
6 Therefore, for good cause shown, the court date for preliminary hearing setting or  
7 arraignment in the above-captioned matter should be continued from January 14, 2009, to  
8 January 15, 2009, at 9:30 a.m.

9 IT IS SO STIPULATED.

10 Dated: January 6, 2009

11 /s/

12 EDWIN K. PRATHER  
13 Attorney for Defendant Jeffrey D. Schinkel

14 Dated: January 6, 2009

15 /s/

16 DENISE M. BARTON  
17 Assistant U.S. Attorney

18 IT IS SO ORDERED.

19 Dated: January 9, 2009

